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100TH CONGRESS
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HOUSE OF REPRESENTATIVES
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Part 1

AMERICAN BATTLE MONUMENTS COMMISSION PERSONNEL

APRIL 30, 1987.—Ordered to be printed

Mr. MONTGOMERY, from the Committee on Veterans' Affairs, submitted the following

REPORT

[To accompany H.R. 733, which on January 22, 1987, was referred jointly to the Committees on Veterans' Affairs and Armed Services]

[Including cost estimate of the Congressional Budget Office]

The Committee on Veterans' Affairs, to whom was referred the bill (H.R. 733) to exempt retired members of the Armed Forces called to active duty and assigned to full-time duty with the American Battle Monuments Commission from grade limitations on officers of the Armed Forces, having considered the same, reports favorably thereon without amendment, by unanimous vote, and recommends that the bill do pass.

INTRODUCTION

When the American Battle Monuments Commission (ABMC) was established in 1923, the enabling legislation provided for seven Commissioners to be appointed by the President to serve at his pleasure. In addition, the legislation provided that an officer of the Regular Army be appointed by the President to serve as Secretary and to supervise the Commission's day-to-day operations. Congress further recognized the need for a supporting military staff and authorized the armed services to provide such personnel, with reimbursement by the Commission for their pay and allowances.

For years the Department of Defense (DOD) and the Army supported the Commission's military personnel requirements, including the need for a general officer as Secretary. However, in 1976, the Department of Defense notified the Commission that beginning

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in fiscal year 1979 it would be necessary to reduce its military personnel support.

Although DOD support was ultimately continued, the issue has not been fully resolved. The Army has indicated that, due to restrictions on the total number of general officer positions and urgent military needs elsewhere, legislative relief with regard to the general officer position assigned to ABMC would be in order. The Committee believes that it would also be prudent to extend such relief to the colonel positions (currently five) assigned to the Commission.

On January 22, 1987, the Hon. G.V. (Sonny) Montgomery, Chairman of the Committee, introduced H.R. 733 to accomplish this purpose. The Subcommittee on Housing and Memorial Affairs met on March 19, 1987, and unanimously recommended H.R. 733 to the full Committee. On April 23, 1987, the full Committee unanimously approved H.R. 733, and ordered the bill reported.

Background

The American Battle Monuments Commission operates and maintains 24 American military cemeteries and 14 monuments in 11 foreign countries and the Commonwealth of the Northern Mariana Islands, as well as four memorials in the United States. Interred in these cemeteries are 124,910 U.S. war dead -- 30,920 from World War I, 93,240 from World War II and 750 from the Mexican War. In addition, 5,685 American veterans and others are interred in the Mexico City National Cemetery and the Corozal American Cemetery and Memorial in Panama. The 94,092 Missing in Action of World War I, World War II, Korea and Vietnam are commemorated by name either on Tablets of the Missing at memorials located in the American military cemetery located nearest to where they were lost, or at three of the Commission's memorials here in the United States.

In view of the important nature of the Commission's mission, Congress considered it advisable for an active duty military officer to administer its day-to-day activities. The initial enabling legislation provided for the President to appoint an officer of the Regular Army to serve in that capacity. Congress also recognized the need for the Secretary to have a supporting military staff and authorized the military services upon request to provide personnel to carry out its functions with reimbursement by the Commission for their pay and allowances.

Military personnel have been detailed for full-time duty with the Commission since its inception 64 years ago. This authority has been used sparingly, with only those military personnel needed to fill key positions of command, control and technical expertise being requested. In recent times, six retired-recalled Army officers have been detailed for full-time duty with ABMC.

For the past 41 years the Secretary of the Commission has been a general officer. Following World War II the responsibilities of the Commission became so diverse and complex, that General John J. Pershing, the Chairman, recognized the need for a senior administrator of such rank, and made the necessary arrangement. Succeeding Chairmen have all concurred with this requirement.

In 1976 DOD advised the Commission that, starting in fiscal year 1979, military personnel support to ABMC would have to be reduced significantly, as the spaces were needed elsewhere. Essential personnel support was ultimately provided, but DOD indicated in 1981 that it would be continued only at the rank of colonel. DOD has not to date actually withdrawn support for the Commission Secretary's position at the General Officer level. However, the Army has indicated that the overall requirements for general officer slots are continuously under review to assure maximum effectiveness in meeting mission requirements. Relief from accountability for the ABMC Secretary position would clearly be helpful in this regard.

Key military positions at the Commission are filled by retired-recalled officers. Each has earned maximum military retirement of 75 percent of base pay and has waived his retirement pay to serve on active duty with the Commission. The U.S. government is receiving the full-time services of these officers for 25 percent of their base pay, as they have already earned maximum retirement.

Should it become necessary for the Department of the Army to withdraw any of these spaces, the retired-recalled officers concerned would revert to retired status and begin drawing 75 percent of their base pay from the Army. ABMC would then have to employ civilians to take their place. This would cost the Federal government up to an estimated $275,000 annually.

Since 1979 various bills have been introduced and considered in both the House and the Senate that would provide a legislative remedy by removing retired military officers recalled to active duty to serve full-time with the Commission from DOD space ceilings and grade limitations.

The Committee has been advised that there is substantial precedent in the establishment of non-accountable general officer positions. Currently, general officer positions at the White House, the State Department, the Central Intelligence Agency, and the Surgeon to Congress do not count against the total Defense general officer authorizations. This bill provides similar relief in the Secretary of the American Battle Monuments Commission.

The Committee believes that the manner in which ABMC's cemeteries and shrines are maintained represents a lasting tribute to the men and women who died in defense of our country. Cemeteries under the jursidiction of the Commission are meticulously maintained. Family members and visitors are deeply impressed by their beauty. Continued military leadership at appropriate levels in the Secretary and key support positions is essential if the Commission is to maintain our overseas cemeteries at the high standard our nation has come to expect.

OVERSIGHT FINDINGS

No oversight hearings were held by the Committee on Veterans' Affairs.

No oversight findings have been submitted to the committee by the Committee on Government Operations.

BUDGET STATEMENT

The following letter was received from the Congressional Budget Office concerning the cost of H.R. 733.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C. April 23, 1987.

HON. G. V. MONTGOMERY,
Chairman, Committee on Veterans' Affairs,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN:

The Congressional Budget Office has reviewed H.R. 733, a bill to exempt retired members of the Armed Forces called to active duty and assigned to full-time duty with the American Battle Monuments Commission from grade limitations on officers of the Armed Forces, as ordered reported by the House Committee on Veterans' Affairs, April 23, 1987.

Based on this review, we estimate that the cost to the Federal Government as a result of enactment of this legislation would not be significant. The budgets of State and local governments would not be affected by the bill.

If you have questions regarding this estimate, please call me or have members of your staff contact Nina Shepherd (226-2820).

With best wishes,

Sincerely,

EDWARD M. GRAMLICH,
Acting Director

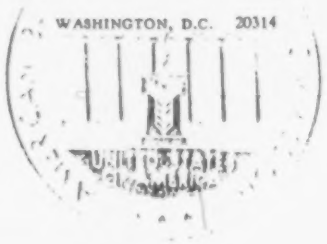
INFLATIONARY IMPACT STATEMENT

The reported bill will have no inflationary impact.

AGENCY REPORT

On February 20, 1987, the Committee received the following letter from the American Battle Monuments Commission on the reported bill.

THE AMERICAN BATTLE MONUMENTS COMMISSION



20 February 1987

Honorable G. V. (Sonny) Montgomery
Chairman
Committee on Veterans Affairs
House of Representataives
335 CHOB
Washington, DC 20515

Dear Mr. Chairman:

Reference is made to your letter of February 3, 1987 requesting the views of this agency on H.R. 733, a bill to exempt retired-recalled officers serving with the American Battle Monuments Commission from the grade limitations imposed by law on the Armed Forces. We are most grateful for this opportunity to comment on the proposed legislation.

First, I would like to give you a little background information on the Commission. It was established in 1923 to commemorate the achievements and sacrifices of American Armed Forces where they have served since April 6, 1917 through erection of suitable memorial shrines and to control the design and erection of war memorials and monuments on foreign soil by other U.S. citizens, public and private. Later, the Commission was given the added responsibility of designing, constructing, operating and maintaining permanent American military burial grounds in foreign countries.

In the performance of its functions, the Commission administers, operates and maintains twenty-four permanent American military cemetery memorials and fourteen separate monuments in eleven foreign countries and the Commonwealth of the Northern Mariana Islands and four memorials here in the United States. Interred in these cemeteries are 124,910 U.S. War Dead -- 30,920 of World War I, 93,240 of World War II and 750 of the Mexican War. Additionally, 5,685 American veterans and others are interred in the Commission's Mexico City National Cemetery in Mexico and the Corozal American Cemetery and Memorial in the Republic of Panama. The 94,092 Missing in Action of World War I, World War II, the Korean War and Vietnam are commemorated individually by name either on Tablets of the Missing at the permanent American military cemetery memorials on foreign soil nearest to the area where they lost their lives or at three of the Commission's memorials here in the United States.

In view of the solemn nature of the Commission's mission, Congress considered it advisable for the Commission to be administered by an active duty military officer with the title of Secretary, and provided in the initial enabling legislation for the President to appoint a Regular Army officer to serve in that capacity. The position is currently held by Major General A. J. Adams. At the same time, Congress recognized the need for the Secretary to have a supporting military staff and authorized the military services upon the request of the Commission to provide personnel to carry out its functions with reimbursement by the Commission for their pay and allowances.

Military personnel have been detailed for full-time duty with the Commission since its inception sixty-four years ago. This authority has been used sparingly with only those military personnel needed to fill certain key positions of command, control and technical expertise being requested. In recent time, six Army officers have been detailed for full-time duty with the Commission. Presently, five of the key positions are filled; one is vacant due to the unexpected death of the incumbent last month.

For forty-one years, the Secretary of the Commission, its executive director, has been a general officer. Following World War II, the responsibilities of the Commission became so diverse and complex, that General of the Armies John J. Pershing, then the Chairman, recognized the need for a senior administrator of such rank and made the necessary arrangement. The succeeding Chairmen, General of the Army George C. Marshall, General Jacob L. Devers, General Mark W. Clark, and myself all concurred with this requirement. The Secretary is responsible for formulating and administering the Commission's commemorative programs as well as operating Commission installations and shrines in eleven countries around the world. The Secretary must work closely with the Congress, the military departments, high ranking U.S. and foreign government officials, the Department of State, embassies and the public.

This Commission has been informed by the Department of the Army that reluctantly it must seek relief from accountability for the general officer position filled by the Secretary of the American Battle Monuments Commission in order to perform its mission more effectively. The Department of the Army also at this time is attempting to reduce its officer corps in compliance with a Congressional mandate. Although the Department of the Army at the moment is not requesting relief for the colonel spaces presently being occupied by the Commission, it would be most beneficial to it and the Commission to do so.

I believe it essential to the continued effective performance of the Commission for it to employ retired-recalled officers to fill selected key positions. Under current Commission staffing, H.R. 733 would restore one general officer space and five colonel spaces to the Department of the Army for its use while at the same time allowing the Commission to continue to use its retired-recalled military staff.

Each of the retired-recalled officers assigned for duty with the Commission has earned maximum military retirement of 75% of base pay and has waived his retirement pay to serve on active duty with the Commission. Not only does H.R. 733 not have any adverse budgetary impact, but the U.S. government is getting the full-time services of these officers for 25% of their base pay as they have already earned maximum retirement.

Whenever it became necessary for the Department of the Army to withdraw any of these spaces, the retired-recalled officers concerned would revert to retired status and begin drawing 75% of their base pay from the Department of the Army. The Commission then would have to employ civilians to take their place under the General Schedule of the Office of Personnel Management. This would cost the Federal Government annually up to $275,000.

Early enactment of this legislation is urged as it is necessary not only to ensure retention of the outstanding leadership provided by the Commission's Secretary and other senior military managers, but to restore use of the grades of the retired-recalled military personnel to the Department of the Army.

The Office of Management and Budget has advised that it has no objection to the presentation of this report to the Congress from the standpoint of the Administration's program.

Sincerely,

Andrew J. Goodpaster

ANDREW J. GOODPASTER
General, USA (Ret)
Chairman

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION 523 OF TITLE 10, UNITED STATES CODE

§523. Authorized strengths: commissioned officers on active duty in grades of major, lieutenant colonel, and colonel and Navy grades of lieutenant commander, commander, and captain.

(a) * * *

(b) Officers in the following categories shall be excluded in computing and determining authorized strengths under this section:

(1) * * *

* * * * * * *

(8) Retired officers on active duty for the administration of the American Battle Monuments Commission.

* * * * * * *

ACT OF MARCH 4, 1923

An Act For the creation of an American Battle Monuments Commission, to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes.

* * * * * * *

[The provisions of this subsection shall take effect on the first day of the first calendar month following the date of enactment of this Act.]

A retired member of the Army, Navy, Air Force, or Marine Corps in a grade above colonel or, in the case of an officer of the Navy, captain who is recalled to active duty and detailed to full-time duty with the commission shall not be counted against the limitation in section 811(a) of the Department of Defense Appropriation Authorization Act, 1978 (10 U.S.C. 523 note), on the number of commissioned officers who may be serving on active duty in general and flag officer grades.

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